

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

XOCHITL HERNANDEZ, CESAR
MATIAS, for themselves and on
behalf of a class of similarly-situated
individuals,

Plaintiffs-Petitioners,

v.

JEFFERSON SESSIONS, U.S.,
Attorney General, et al.,

Defendants-Respondents.

) CIVIL ACTION NO. 5:16-00620-JGB-KK
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DECLARATION OF SCOTT A. WHITTED

) Honorable Jesus G. Bernal
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) Complaint Filed: April 6, 2016
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Pursuant to the authority of 28 U.S.C. § 1746, I, Scott A. Whitted, declare as follows:

1. I am a Deputy Chief of the District Court Litigation Division (DCLD) of the Office of the Principal Legal Advisor (OPLA), U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security (DHS). I have been employed by ICE and the former Immigration and Naturalization Service since 2002, and have held my current position since August 4, 2011. I make this declaration based upon my personal knowledge and upon information furnished to me in the course of my official duties. Previously, I executed a declaration dated March 9, 2018 in this case.

2. As a Deputy Chief of DCLD, I have overseen the work of ICE's agency counsel on this litigation as well as other litigation matters in which ICE is a party or otherwise has an interest. I also am familiar with OPLA's organizational structure and staffing.

3. On March 2, 2018, this Court ordered that, “after meeting and conferring in good faith, the parties file a joint report on agreed upon search terms and custodians...” ECF No. 170.

4. Given the technical issues addressed in the Declaration of Kobie Crawl, ICE was not able to run Search Term Reports until the evening of March 22, 2018. On Saturday, March 17, 2018, Relativity malfunctioned and was inaccessible to DCLD. On Sunday, March 18, 2018, Relativity was functioning intermittently and very slowly for DCLD. On Monday, March 19, 2018, Relativity was functioning slowly for part of the day, and malfunctioned and was inaccessible towards the end of the day for DCLD. On Tuesday, March 20, 2018, Relativity was again inaccessible, except for about 10 minutes.

5. Relativity came back on-line on the morning of March 21, 2018, at which point OPLA resumed A-file review and production in *Ibrahim v. Acosta*, No. 17-24574 (S.D. Fla. filed Dec. 18, 2017), another suit that also has a court-ordered deadline of March 23, 2018. The competing demands of several ongoing class action lawsuits prevented ICE from running Search Term Reports before the evening of March 22, 2018.

6. Other cases in active litigation are affected by the technical issues addressed in the Declaration of Kobie Crawl, and Declarations similar to this one are expected to be filed in those matters as well.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 23, 2018


Scott A. Whitted